United Nations A/61/92

General Assembly

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Sixty-first session
Item 102 (c) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections

Election of the members of the International Law Commission

Note by the Secretary-General

1. The International Law Commission was established by the General Assembly in its resolution 174 (II) of 21 November 1947 for the promotion of the progressive development of international law and its codification. The Commission is composed of 34 members, whose term of office will expire at the end of 2006. The election of the members of the Commission for the next five-year term, beginning on 1 January 2007, will be held at the sixty-first session of the General Assembly.

2. Article 3 of the statute of the Commission requires that the members of the Commission be elected by the General Assembly from a list of candidates nominated by the Governments of States Members of the United Nations. In accordance with that article and other relevant provisions of the statute of the Commission, the Secretary-General, in a note verbale dated 10 October 2005, requested the permanent representatives of States Members of the United Nations to submit to him by 1 June 2006 the names of the candidates whom the Governments of Member States might wish to nominate for election to the Commission, together with statements of qualifications of such candidates.

3. Article 6 of the statute of the Commission provides that the Secretary-General shall, as soon as possible, communicate to the Governments of States Members of the United Nations the names of the candidates nominated, and any statements of qualifications of candidates that may have been submitted by the nominating Governments. The nominations submitted by Governments to the Secretary-General, in reply to his request, are, pursuant to article 6 of the statute, set out below:

* A/61/50 and Corr.1

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Name and nationality	*Nominated by*
Brownlie, Ian (United Kingdom of Great Britain and Northern Ireland)	United Kingdom of Great Britain and Northern Ireland, Canada, India, New Zealand
Buena, Arturo B. (Philippines)	Philippines
Caflisch, Lucius (Switzerland)	Switzerland
Candioti, Enrique J. A. (Argentina)	Argentina
Comissário Afonso, Pedro (Mozambique)	Mozambique
Daoudi, Riad (Syrian Arab Republic)	Syrian Arab Republic
Dugard, Christopher John Robert (South Africa)	South Africa
Economides, Constantine P. (Greece)	Greece
El-Murtadi Suleiman, Abdelrazeg (Libyan Arab Jamahiriya)	Libyan Arab Jamahiriya
Escarameia, Paula Ventura de Carvalho (Portugal)	Portugal
Fomba, Salifou (Mali)	Mali
Gaja, Giorgio (Italy)	Italy
Galicki, Zdzislaw W. (Poland)	Poland
Hassouna, Hussein A. (Egypt)	Egypt
Hmoud, Mahmoud D. (Jordan)	Jordan
Jacobsson, Marie G. (Sweden)	Sweden
Kamto, Maurice (Cameroon)	Cameroon
Kemicha, Fathi (Tunisia)	Tunisia
Kolodkin, Roman Anatolyevitch (Russian Federation)	Russian Federation
López Contreras, Carlos (Honduras)	Honduras
Matheson, Michael J. (United States of America)	United States of America
McRae, Donald M. (Canada)	Canada, Australia, India, Mexico, New Zealand, United Kingdom of Great Britain and Northern Ireland
Melescanu, Teodor Viorel (Romania)	Romania

Name and nationality	*Nominated by*
Momtaz, Djamchid (Islamic Republic of Iran)	Islamic Republic of Iran
Montiel Argüello, Alejandro (Nicaragua)	Nicaragua
Nichaus, Bernd H. (Costa Rica)	Costa Rica
Nolte, Georg (Germany)	Germany, France
Ojo, Bayo (Nigeria)	Nigeria
Pambou Tchivounda, Guillaume (Gabon)	Gabon
Pellet, Alain (France)	France, Germany, Slovakia
Perera, A. Rohan (Sri Lanka)	Sri Lanka
Petrič, Ernest (Slovenia)	Slovenia
Saboia, Gilberto Vergne (Brazil)	Brazil
Singh, Narinder (India)	India, Canada, United Kingdom of Great Britain and Northern Ireland
Solari Tudela, Luir (Peru)	Peru
Valencia-Ospina, Eduardo (Colombia)	Colombia
Vargas Carreño, Edmundo (Chile)	Chile
Vasciannie, Stephen C. (Jamaica)	Jamaica
Vázquez-Bermudez, Marcelo (Ecuador)	Ecuador
Versan, Rauf (Turkey)	Turkey
Wako, Amos S. (Kenya)	Kenya
Xue, Hanqin (China)	China
Yamada, Chusei (Japan)	Japan
Ziadé, Nassib G. (Lebanon)	Lebanon

4. The statements of qualifications of candidates received from the nominating Governments are to be found in a separate document.

5. The General Assembly, by its resolution 36/39 of 18 November 1981, decided that the 34 members of the International Law Commission should be elected according to the following pattern:

(a) Eight nationals from African States;

(b) Seven nationals from Asian States;

(c) Three nationals from Eastern European States;

(d) Six nationals from Latin American States;

(e) Eight nationals from Western European or other States;

(f) One national from African States or Eastern European States in rotation, with the seat being allocated to a national of an African State in the first election held after the adoption of the resolution;

(g) One national from Asian States or Latin American States in rotation, with the seat being allocated to a national of an Asian State in the first election held after the adoption of the resolution.

6. The rotational seat referred to in subparagraph (f) above was allocated to a national of an African State at the election held in 2001. Accordingly, the seat shall be allocated to a national of an Eastern European State at the forthcoming election.

7. The rotational seat referred to in subparagraph (g) above was allocated to a national of an Asian State at the election held in 2001. Accordingly, the seat shall be allocated to a national of a State of Latin America and the Caribbean at the forthcoming election.

8. Thus, the allocation of seats on the Commission for the five-year term beginning on 1 January 2007 will be as follows:

Eight nationals from African States;

Seven nationals from Asian States;

Four nationals from Eastern European States;

Seven nationals from Latin American and Caribbean States;

Eight nationals from Western European and other States.

9. The election will be held under the appropriate provisions of the statute of the Commission and of the rules of procedure of the General Assembly.

10. Article 2, paragraph 1, of the statute of the Commission provides that the Commission shall consist of persons of recognized competence in international law. Article 8 states that at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required and that in the Commission as a whole representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. Article 7 of the statute provides that the Secretary-General shall prepare the list provided for in article 3, comprising in alphabetical order the names of all the candidates duly nominated, and shall submit the list to the General Assembly for the purposes of the election. The Secretary-General will at a later date, pursuant to article 7 of the statute, prepare and submit to the Assembly such a list of all the candidates nominated.

12. By rule 92 of the rules of procedure of the General Assembly, the election shall be held by secret ballot and, accordingly, under the terms of rule 88, there shall be no explanation of vote, either before or after the voting.

13. According to article 9 of the statute of the Commission, those candidates, up to the maximum number prescribed for each regional group, who obtained the greatest number of votes and at least a majority of the votes of the States Members present

and voting shall be elected. If the maximum number of persons prescribed for each regional group is not elected on the first ballot, there shall be additional ballots to fill the remaining places in accordance with the appropriate provisions of rule 94 of the rules of procedure of the General Assembly.

14. Article 10 of the statute of the Commission states that the members of the Commission shall be eligible for re-election. The current membership of the Commission, whose term expires at the end of 2006, is set out in the annex to the present note.

Annex

Current membership of the International Law Commission, whose term of office expires at the end of 2006

Emmanuel Akwei Addo (Ghana)

Husain Al-Baharna (Bahrain)

Ali Mohsen Fetais Al-Marri (Qatar)

João Clemente Baena Soares (Brazil)

Ian Brownlie (United Kingdom)

Enrique J. A. Candioti (Argentina)

Choung Il Chee (Republic of Korea)

Pedro Comissário Afonso (Mozambique)

Riad Daoudi (Syrian Arab Republic)

Christopher John Robert Dugard (South Africa)

Constantin P. Economides (Greece)

Paula Ventura de Carvalho Escarameia (Portugal)

Salifou Fomba (Mali)

Giorgio Gaja (Italy)

Zdzislaw Galicki (Poland)

Peter C. R. Kabatsi (Uganda)

Maurice Kamto (Cameroon)

James Lutabanzibwa Kateka (United Republic of Tanzania)

Fathi Kemicha (Tunisia)

Roman Anatolyevitch Kolodkin (Russian Federation)

Martti Koskenniemi (Finland)

William Mansfield (New Zealand)

Michael J. Matheson (United States of America)

Teodor Viorel Melescanu (Romania)

Djamchid Momtaz (Islamic Republic of Iran)

Bernd H. Niehaus (Costa Rica)

Didier Opertti Badan (Uruguay)

Guillaume Pambou Tchivounda (Gabon)

Alain Pellet (France)

Pemmaraju Sreenivasa Rao (India)

Victor Rodríguez Cedeño (Venezuela)

Eduardo Valencia-Ospina (Colombia)

Xue, Hanqin (China)

Chusei Yamada (Japan)